

DocuCode: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

2337/107

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 8/3/06Signature Typed or printed name Jeffrey T. Klayman

Application Number

10/646,365

Filed

August 22, 2003

First Named Inventor

Martin A. Dorey

Art Unit

2181

Examiner

Kim, Harold J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

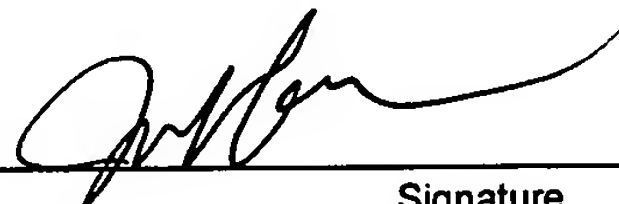
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 39250

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____


Signature

Jeffrey T. Klayman
Typed or printed name

(617) 443-9292
Telephone number

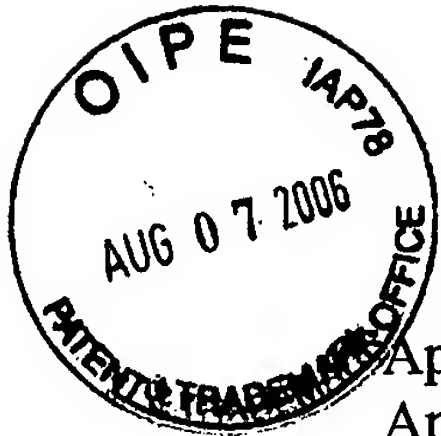
8/3/06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin A. Dorey
Appl. No: 10/646,365
File Date: August 22, 2003

Art Unit: 2181
Examiner: Kim, Harold J.
Docket No.: 2337/107

Invention: System, Device, and Method for Managing File Security Attributes
In a Computer File Storage System

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2006.


Jeffrey T. Klayman

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Following a Final Office Action dated April 3, 2006, Applicants submit the present Request for Formal Review, by a panel of examiners, of the legal and factual basis of the rejections pending in the present case, in accordance with the Pre-Appeal Brief Conference Pilot Program¹. Applicants believe that the issues presented are well-posed for appeal, and request formal review prior to appeal on the following grounds:

I. Background Synopsis of Subject Matter

The present application relates to managing file security attributes in a computer file storage system supporting at least two file security models. A file is stored using a first file security model (e.g., UNIX). A client using a second file security model (e.g., Windows) accesses the file. A set of file security attributes in accordance with the second file security model is generated. The set of file security attributes includes a plurality of security identifiers (SID), including at least an owner SID and a group SID, that are derived from corresponding identifiers associated with the file in accordance with

the first file security model. When the system is unable to map an identifier from the first file security model to an identifier for the second file security model, the generated SID includes both a map failure indicator and the corresponding identifier from the first set of file security attributes, such that the map failure indicator indicates that the identifier relates to the first file security model rather than to the second file security model. The map failure indicator therefore allows information about the map failure to be conveyed in the SID.

II. Synopsis of Status of the Case

Claims 1-33 are pending in the application. In the Final Office Action of April 3, 2006, Claims 1-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Hitz et al., U.S. Patent No. 6,457,130.

A telephonic interview was held on May 10, 2006 between Supervisory Patent Examiner Fritz Fleming, Examiner Harold Kim, and Applicants' Attorneys Bruce Sunstein and Jeffrey Klayman regarding the final Office action dated April 3, 2006. Specifically, the Hitz reference was discussed in relation to the claimed invention. Hitz describes a mixed Unix/Windows file storage system in which Unix file security attributes are mapped to Windows file security attributes when a Windows client accesses a Unix file. In Hitz, if a Unix name cannot be mapped to a corresponding Windows name, then the Unix name is returned to the Windows client (Col. 6, lines 42-48).

A response was filed on June 2, 2006 in which the Applicants explained that the claims of the subject patent application require **BOTH** a map failure indicator **AND** a corresponding identifier to be returned in the SID (specifically, "at least one map failure indicator **AND** the corresponding identifier from the first set of file security attributes," emphasis added). The map failure indicator and the identifier are clearly two distinct components. As expressed in the claims, the map failure indicator indicates that the identifier relates to the first security model (as opposed to the SID, which relates to the second security model).

Despite the plain wording of the claims and the described embodiments, which require both a distinct map failure indicator and a distinct identifier, the Examiner treats

¹ Official Gazette of the United States Patent and Trademark Office, vol. 1296, Number 2, (July 12, 2005).

Hitz's simple identifier as both the map failure indicator and the identifier. Such an interpretation reads the word "and" out of the claim (with regard to requiring "at least one map failure indicator **AND** the corresponding identifier from the first set of file security attributes"), and also ignores the claim provision requiring that the map failure indicator indicate that the identifier relates to the first file security model. While Applicants concede that the prior art shows one of the components – an identifier – there is utterly nothing in the prior art to satisfy the other leg of the claim – a map failure indicator.

Applicants received an Advisory Action dated June 20, 2006 in which the Examiner essentially maintained his former position that the claims are anticipated by Hitz et al.

The appeal, noticed concurrently herewith, is with respect to rejected claims 1-33.

III. Issues for Review Prior to Appeal

1. The rejection of claims 1-33 is improper and must be withdrawn because Hitz et al. fails to teach or otherwise suggest a security identifier having both a map failure indicator and an identifier as required by the claims.

It is well settled that a claim is invalid as anticipated under 35 U.S.C. § 102 only if a single prior art reference discloses either expressly or inherently, each limitation of the claim. *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 64 U.S.P.Q. 2d 1202 (Fed. Cir. 2002). Hitz et al. simply do not disclose each and every limitation of the claim.

The claims clearly require a security identifier that includes separate map failure indicator and identifier components. Specifically, the claims expressly require "at least one map failure indicator **AND** the corresponding identifier from the first set of file security attributes" (emphasis added), and the description clearly shows that the SID includes separate map failure indicator and identifier components. In fact, all of the exemplary embodiments described in the specification clearly include a distinct map failure indicator in addition to the identifier (e.g., a distinct UNIX-specific authority identifier along with the UNIX identifier in exemplary UNIX-specific SIDs shown at page 8, line 19 and page 19, line 15, and a distinct UNIX-specific indicator along with a

UNIX identifier as qualifiers to a well-known authority identifier value in an alternative embodiment described at page 19, lines 25-28). Thus, the claims unequivocally require two separate and distinct components, namely a map failure indicator and an identifier. Hitz et al. fail to disclose these two separate and distinct components.

Furthermore, the claims expressly require that the map failure indicator indicate that the identifier relates to the first file security model, and this limitation is neither disclosed nor suggested by Hitz. As discussed in Hitz, UNIX user names and NT user names are merely alphanumeric strings (see, for example, Hitz column 6, lines 42-45), so there is nothing inherent in a user name to indicate the file security model to which it relates. In fact, the UNIX user names and NT user names are essentially fungible in that a UNIX user name can be used as an NT user name (see, for example, Hitz column 6, lines 45-48) and an NT user name can be used as a UNIX user name (see, for example, Hitz column 7, lines 61-64). Thus, the identifier provides no indication of file security model in and of (and for) itself, and therefore the identifier cannot possibly act as the map failure indicator. Rather, as discussed and claimed in the subject patent application, a separate and distinct map failure indicator is used to indicate that the identifier relates to the first file security model. Hitz clearly lacks anything that can be considered a map failure indicator to indicate that the identifier relates to the first file security model.

It is clear, then, that Hitz fails to expressly or inherently disclose or suggest a map failure indicator as claimed. Hitz certainly does not disclose a map failure indicator that is separate and distinct from the identifier. Furthermore, Hitz's UNIX identifier simply cannot be both the map failure indicator and the identifier, as suggested by the Examiner, because the identifier does not indicate the file security model to which it relates. The fact that Hitz uses the UNIX user name as the NT user name is merely a result of a map failure; it does not indicate that a map failure has occurred (e.g., just because a person is sick does not mean that the doctor has been called). There is simply nothing in Hitz to indicate that a map failure has occurred.

Allowance of claims 1-33 is respectfully requested.

Respectfully submitted,



Jeffrey T. Klayman
Registration No. 39,250
Attorney for Applicants

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

02337/00107 531478.1